



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, August 8, 2016
7:00 P.M.

1. **INVOCATION- ST. ADALBERT'S CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

16-63 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY HONORING & COMMENDING DENNIS J. ANDRES, EXECUTIVE DIRECTOR OF THE "MAGNIFICENT MORRIS" FOR HIS REMARKABLE RECORD OF CHAMPIONING THE "HOTTEST TICKET IN TOWN"

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

8. **BILLS ON THIRD READING**

TIME: _____

9. **RESOLUTIONS**

BILL NO.

39-16 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS OF ST. JOSEPH COUNTY, INDIANA FOR THE PROPERTY LOCATED AT 214 OLIVE STREET, SOUTH BEND, INDIANA

16-59 A RESOLUTION RECONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION NO 4075-11 DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA COMMONLY KNOWN AS 3849 SHOWERLUX DRIVE, SOUTH BEND, IN 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT (8) YEAR REAL PROPERTY TAX

ABATEMENT AND CHANGING OWNERSHIP FROM SBG REALTY,
LLC TO SOMASCHINI NORTH AMERICA

[16-60](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RECOMMENDING THAT INTEGRATED AND MULTIFACETED APPROACHES BE PUBLICLY DISCUSSED AND FURTHER DEVELOPED WHICH ADDRESS CANADA GEESE

[16-61](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 5448 DYLAN DRIVE, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR: AM GENERAL, LLC

6. BILLS ON FIRST READING

BILL NO.

[40-16](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4246 MEGHAN BEELER COURT, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[41-16](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 401 EAST COLFAX AVENUE, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

7. UNFINISHED BUSINESS (*NO PUBLIC HEARING*)

BILL NO.

[37-16](#) AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 2 BY ADDING SINGLE FAMILY DWELLING TO PERMITTED USES IN MF1 URBAN CORRIDOR MULTIFAMILY DISTRICT AND MF2 HIGH-DENSITY MULTIFAMILY DISTRICT; AND ADDING SINGLE FAMILY AS A SPECIAL EXCEPTION USE IN MU MIXED USE DISTRICT.

[38-16](#) AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING GROUP RESIDENCE TO SPECIAL EXCEPTION USES IN CBD CENTRAL BUSINESS DISTRICT; AND SECTION 11 BY AMENDING THE DEFINITIONS OF DWELLING UNIT, FAMILY AND GROUP RESIDENCE.

8. **NEW BUSINESS**

9. **PRIVILEGE OF THE FLOOR**

10. **ADJOURNMENT**

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: AUGUST 4, 2016
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MON., AUGUST 8, 2016** at:

Council Informal Meeting Room
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

- 3:30 P.M.** **ZONING & ANNEXATION** **OLIVER DAVIS, CHAIRPERSON**
1. [Bill No. 39-16](#)- 214 Olive Street Special Exception
- 3:45 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No. 16-59](#)- Reconfirming Real Property Tax Abatement for Somaschini
2. [Bill No. 16-61](#)- Five-year (5) Personal Property Tax Abatement for AM General
- 3:55 P.M.** **PUBLIC WORKS & PROPERTY VACATION** **JO M. BRODEN, CHAIRPERSON**
1. Transpo Briefing, David Cangany- General Manager & CEO of Transpo
- 4:15 P.M.** **PARC** **RANDY KELLY, CHAIRPERSON**
1. Elbel Park & Golf course Update, Aaron Perri- Superintendent of Parks & Rec.
- 4:35 P.M.** **HEALTH & PUBLIC SAFETY** **JOHN VOORDE, CHAIRPERSON**
1. [Bill No. 16-60](#)- Integrated Approach to Address Canada Geese

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Health & Public Safety Committee.

- INFORMAL MEETING OF THE COMMON COUNCIL** **TIM SCOTT, COUNCIL PRESIDENT**
1. Discussion of Council Agenda
 2. Update and Announcements
 3. Adjournment

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY
CHIEF OF STAFF

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

EMILY SEXTON
ORDINANCE VIOLATION CLERK



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real & personal tax abatement requests.

Gavin Ferlic, Chairperson	Oliver Davis, Member
Regina Williams-Preston, Vice-Chairperson	Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Office of Community Affairs and is charged with facilitating partnerships & ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson	Gavin Ferlic, Member
Randy Kelly, Vice-Chairperson	Karen White, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member	Dr. David Varner, Member
Jo Broden, Member	Karen White

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

John Voorde, Chairperson	Oliver Davis, Member
Karen L. White, Vice-Chairperson	Jo Broden, Member

INFORMATION AND TECHNOLOGY COMMITTEE

Oversees the various activities of the City's Division of Information Technologies in the Department of Administration & Finance so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability & access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson	Dave Varner, Member
Gavin Ferlic, Vice-Chairperson	Karen White, Member

PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Coveleski Regional Stadium, Morris Performing Arts Center, Stuebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson	Oliver Davis, Member
Dr. Dave Varner, Vice-Chairperson	John Voorde, Member



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations & other fiscal matters, as well as personnel policies, health benefits & related matters.

Karen L. White, Chairperson
Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works & related public works & property vacation issues.

Jo Broden, Chairperson
John Voorde, Vice-Chairperson

Randy Kelly, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities & issues related to neighborhood development & enhancement.

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Dr. David Varner, Chairperson
Oliver Davis, Vice-Chairperson

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott
Dr. David Varner



2016 COMMON COUNCIL STANDING COMMITTEES (Rev.01-6-16)

TIM SCOTT, 1ST District Council Member

PRESIDENT

Information and Technology, Chairperson

Council Rules Committee, Member
Sub-Committee on Minutes, Member

REGINA WILLIAMS-PRESTON 2nd District Council Member

Community Relations Committee, Chairperson
Community Investment Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
Personnel & Finance Committee, Member
Utilities Committee, Member

RANDY KELLY, 3rd District Council Member

PARC Committee, Chairperson

Community Relations Committee, Vice Chairperson

Community Investment Committee, Member
Public Works & Property Vacation, Member
Utilities Committee, Member

JO BRODEN, 4TH District Council Member

Public Works & Property Vacation, Chairperson

Residential Neighborhood Committee, Vice-Chairperson

Council Rules Committee, Member
Health & Public Safety Committee, Member
Zoning & Annexation Committee, Member

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson

PARC Committee, Vice-Chairperson

Information & Technology Committee, Member
Council Rules Committee, Member
Sub-Committee on Minutes, Member

OLIVER DAVIS, 6TH District Council Member

Zoning & Annexation Committee, Chairperson

Utilities Committee, Vice-Chairperson

Community Investment Committee, Member
Health & Public Safety Committee, Member
PARC Committee, Member

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

Community Investment Committee, Chairperson

Information & Technology Committee, Vice-Chairperson
Personnel & Finance Committee, Vice-Chairperson

Community Relations Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson

Personnel & Finance Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Community Relations Committee, Member
Information & Technology Committee, Member
Council Rules Committee, Member

JOHN VOORDE, AT LARGE Council Member

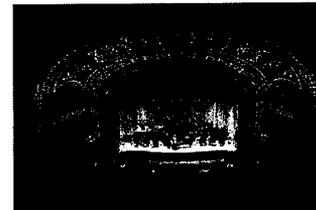
Health & Public Safety Committee, Chairperson

Public Works & Property Vacation, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson

Residential Neighborhood Committee, Member
PARC Committee, Member
Personnel & Finance Committee, Member



RESOLUTION NO. _____



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY HONORING & COMMENDING DENNIS J. ANDRES, EXECUTIVE DIRECTOR OF THE “MAGNIFICENT MORRIS” FOR HIS REMARKABLE RECORD OF CHAMPIONING THE “HOTTEST TICKET IN TOWN”

Whereas, the South Bend Common Council notes that the Morris Performing Arts Center located in the true heart of downtown South Bend has become a most popular destination venue for people of all ages, thanks to the vision, dedication, and very creative leadership of its Executive Director Dennis J. Andres; and

Whereas, the 2,564 seat Morris Theatre, which was built in 1922 and restored in the 1990s, has been consistently ranked each year since 2000 in the “Top 100 Theaters Worldwide” by *Pollstar Magazine*; won the Outstanding Historic Theatre Award in 2015 which was presented by the League of Historic American Theatres for demonstrating “excellence in community impact, quality of programs and services, and quality of physical restoration”; and received the *Facilities Magazine* “Prime Site Award” every year since 2006 - all under Dennis’ leadership - with his keen enthusiasm being the “driving force behind the theatre’s success” and

Whereas, currently the Morris Performing Arts Center has fourteen commercial promoters and is the home to three resident producing companies – Broadway Theatre League of South Bend, Inc., the South Bend Symphony Orchestra, and the Southhold Dance Theater who all provide the best of entertainment – from pops concerts, dance, symphonies, rock concerts, and magnificent ballroom events in the Palais Royale; and

Whereas, Dennis J. Andres and his great staff have promoted and advanced a variety of other entertainment offerings such as the Morris Bistro Restaurant’s where a limited number of Dinner/Show Ticket packages including preferred seating at show time; and the outdoor lunch-time concert series – Fridays by the Fountain which began in 2001 which is held throughout the Summer - have grown into traditions for all to enjoy.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The South Bend Common Council proudly recognizes the Dennis J. Andres, the Executive Director of the “Magnificent Morris” for the past sixteen (16) years for always using his creative juices for developing “...the Morris into a major player in the world of performing arts and concert entertainment”.

Section II. The Common Council publicly wishes Dennis, his wife, Catherine, & their entire family, all the very best in the years ahead. You have truly enriched the South Bend community and brought great joy to so many.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, 1st District Council Member

Oliver J. Davis, 6th District Council Member

Regina Williams Preston, 2nd District

John Voorde, At Large Council Member

Randy Kelly, 3rd District Council Member

Gavin Ferlic, At Large Council Member

DHIA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

Office: (574)234-4003 / (800)594-4003 ■ Fax: (574)234-4009

1643 Commerce Drive ■ South Bend, IN 46628

Honorable Members of the City of
South Bend Common Council
4th Floor County-City Building
South Bend Indiana 46601

July 6, 2016

RE: Civil City of South Bend Special Exception Petition for property at
214 Olive Street, South Bend, Indiana:

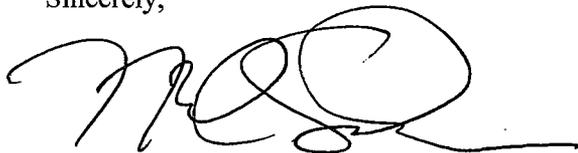
Dear Council Members:

Our client is requesting the approval of a Special Exception for their property located at 214 Olive Street, South Bend, Indiana. The Special Exception will allow for the razing of the existing Fire Station No. 4 and replaced with a new fire station which will contain the latest technology and contain several sustainable systems to make it very energy efficient.

Our client believes that the approval of the proposed Special Exception will fit with the existing neighborhood and provide protection for both the residential and commercial uses in the surrounding area.

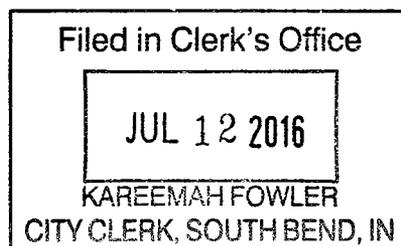
If you have any questions concerning this matter, please feel free to give me a call at 234-4003.

Sincerely,



Michael J. Danch
President
Danch, Harner & Associates, Inc.

File # 160166 Md. "C"



AREA BOARD OF ZONING APPEALS

125 S. Lafayette Blvd.
Suite 100
South Bend, Indiana 46601
(574)235-9554
FAX: (574)235-5541

August 4, 2016

The Honorable Common Council South Bend
Of the City of South Bend
4th Floor, County-City Building
South Bend, Indiana 46601

RE: Petition for Special Exception
Civil City of South Bend
08/03/2016

Dear Council Members:

The above referenced petition of the Civil City of South Bend was legally advertised on July 14, 2016. The Area Board of Zoning Appeals gave it a public hearing on August 3, 2016, at which time the following action was taken:

Upon a motion by Mr. Urbanski being seconded by Mr. Hawley and by a unanimous vote, the petition for Special Exception to allow a fire station in a "SF2" District, on property located at 214 Olive Street, Portage Township. Zoned "SF2" is sent to the Common Council with a **Favorable Recommendation**.

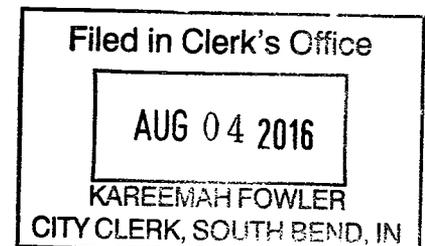
The deliberations of the Area Board of Zoning Appeals and points considered in arriving at the above decision as shown in the Minutes of the Public Hearing, and will be forwarded to you at a later date, to be made part of this report.

Sincerely,



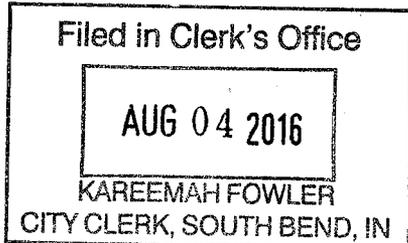
Charles C. Bulot, C.B.O. Building
Commissioner

CCB/cah



PETITION

SPECIAL EXCEPTION PURSUANT 21-09.3(D)
AREA BOARD OF ZONING APPEALS
CIVIL CITY OF SOUTH BEND



FINDINGS OF FACT

1. THE PROPOSED *USE* WILL NOT BE INJURIOUS TO THE PUBLIC HEALTH, SAFETY, COMFORT, COMMUNITY MORAL STANDARDS, CONVENIENCE OR GENERAL WELFARE BECAUSE:
Development and use as presented will comply with all building, fire safety, traffic, and parking-regulations as to not being injurious to the public health, safety, morals, and general welfare of the community.
2. THE PROPOSED *USE* WILL NOT INJURE OR ADVERSELY AFFECT THE *USE* OF THE ADJACENT AREA OR PROPERTY VALUES THEREIN BECAUSE:
The variance or use shall improve the appearance of the neighborhood and will not devalue the surrounding properties.
3. THE PROPOSED *USE* WILL BE CONSISTENT WITH THE CHARACTER OF THE *DISTRICT* IN WHICH IT IS LOCATED AND THE LAND USES AUTHORIZED THEREIN BECAUSE:
Conditions on the property predate the Zoning Ordinance, which creates a different condition for this property.
4. THE PROPOSED *USE* IS COMPATIBLE WITH THE RECOMMENDATIONS OF THE CITY OF SOUTH BEND *COMPREHENSIVE PLAN* BECAUSE:
It is the feeling of the Board that the variance is blending into the overall Comprehensive Plan and is not deviating from its intent.

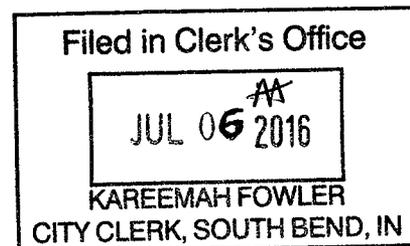
CONDITIONS OR REVISIONS:
Click here to enter text.

DECISION

IT IS THEREFORE the decision of the Board that this request for Special Exception shall be passed onto the City of South Bend Common Council with a **FAVORABLE RECOMMENDATION**

ADOPTED this 3rd Day of August, 2016

<u>MOTION</u>	<u>SECOND</u>	<u>RECUSED</u>	<u>ABSENT</u>	<u>YES</u>	<u>NO</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	MICHAEL URBANSKI
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RANDALL MATTHYS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	KATHY SCHUTH
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	GERALD PHIPPS
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JACK YOUNG
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROBERT HAWLEY
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	BRENDAN CRUMLISH



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA,
APPROVING A PETITION OF THE AREA
BOARD OF ZONING APPEALS OF ST. JOSEPH COUNTY, INDIANA
FOR THE PROPERTY LOCATED AT
214 OLIVE STREET, SOUTH BEND, INDIANA**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Area Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Area Board of Zoning Appeals makes its recommendation to the Council pursuant to I.C. 36-7-4-918.6; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4, and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exceptions be granted for the properties located at:

(214 OLIVE STREET, SOUTH BEND, INDIANA)

in order to permit:

Approval of a Special Exception Use as allowed under Section 21-02.02 (a)(2)(B) Government Use, of the City of South Bend Zoning Ordinance to allow for a Fire Station on property zoned "SF2" Single Family and Two Family District at 214 Olive Street, South Bend, Indiana.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

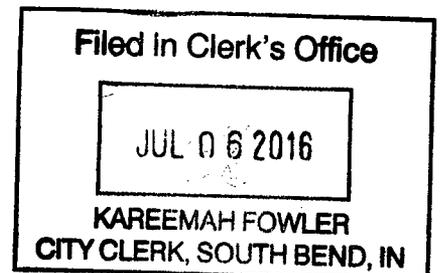
1. The proposed uses will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed uses will not injure or adversely affect the use of the adjacent area or property values therein;
3. The proposed uses will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed uses are compatible with the recommendations of the City of South Bend Comprehensive plan; all of which is requested by the South Bend Municipal Code § 21-09.03 (i).

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals, which are on file in the office of the City Clerk.

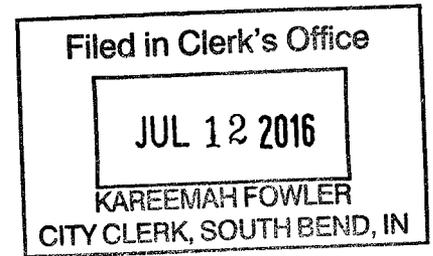
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED
NOT RECORDED
INDEXED



AREA BOARD OF ZONING APPEALS
OF
ST. JOSEPH COUNTY, INDIANA



NO. _____ FILED _____, 20____
NOTIFIED _____, 20____ HEARING _____, 20____

APPEAL

Applicant's Name: Civil City of South Bend Phone 235-9255
Address: 227 West Jefferson Blvd., Suite 1200, South Bend,
Indiana 46601

Address of Property: 214 Olive Street,
South Bend, Indiana 46628

Present Zoning of Property: "SF2" Single Family and Two Family District

Owner's Name: Civil City of South Bend Phone 235-9255
Address: 227 West Jefferson Blvd., Suite 1200, South Bend,
Indiana 46601

Counsel or Consultant: DANCH, HARNER & ASSOCIATES, INC. Phone 234-4003
Address: 1643 COMMERCE DRIVE, SOUTH BEND, INDIANA 46628

TO THE AREA BOARD OF ZONING APPEALS OF
ST. JOSEPH COUNTY, INDIANA

Appeal is hereby taken from the decision of the Building Commissioner
in the matter of erecting, occupying, building, addition at

214 Olive Street, South Bend, Indiana 46628

NATURE OF APPEAL:

REQUESTED VARIANCES & SPECIAL EXCEPTION:

PARCEL "A" (214 OLIVE STREET) Zoned "SF2" Single Family and Two Family District:

- 1). A Variance to encroach into the 25 ft. Front-yard area along Olive Street and Orange Street to a minimum of 20 feet to allow for a proposed recreational walking track as shown.
- 2). A Variance to encroach into the 20 ft. Side-yard area along the East property line to a minimum of 10 feet to allow for a proposed recreational walking track as shown.
- 3). A Variance from the requirement of providing a Type "B" landscape screen along the perimeter property lines to providing landscape screening as shown.

4). A Variance from the requirement of providing perimeter trees at a minimum rate of one (1) over-story deciduous tree every forty (40) feet along the North, South and West property lines to trees shown and to providing no perimeter trees along the East property line.

5). A Variance from the maximum allowed four (4) stall garage structure to a maximum of an eight (8) stall garage structure as shown.

6). A Variance from the requirement of having only one (1) Primary Use to being allowed to have a maximum of two (2) Primary uses until such time as the original Primary use structure is razed.

7). A Variance to be allowed to have a maximum 4 ft. high, 32 sq.ft. monument sign as shown instead of the maximum allowed 16 sq.ft.

PARCEL "A" (214 OLIVE STREET) SPECIAL EXCEPTION REQUEST:

1). Approval of a Special Exception Use as allowed under Section 21-02.02 (a)(2)(B) Government Use, of the City of South Bend Zoning Ordinance to allow for a Fire Station on property zoned "SF2" Single Family and Two Family District.

The Petitioner is the owner of the real estate parcel shown on the attached site plan and as shown in the records of the St. Joseph County, Indiana Auditor's office. The Petition property presently has a Zoning classification of "SF2" Single Family and Two Family District.

The property is and has been over the past few decades used for a Fire Station. The existing Fire Station is at the end of its useful life, due to its age. This old Fire Station is now ready to be replaced with an updated functional and sustainable facility.

Representatives for the City met with the Building Department staff to discuss the issues associated with the replacement of the existing Fire Station with a new facility. Based on those discussions it was determined that in order to build a new Fire Station as shown on the attached site plan, two procedures would need to be followed and approved. Due to the existing zoning being "SF2" Single Family and Two Family, the new Fire Station would be required to have a Special Exception approved to allow for its' construction. Even though a Fire Station presently exists on the property, it is presently considered a legal non-conforming use. Once that facility is removed that status is null and void and the proposed new Fire Station is required to comply with all current zoning standards. Also based on the proposed site plan, several variances are required to be approved to allow for the site to be developed shown.

Described below are the Variances and Special Exception requests for the Petition site. More specifically, the following Variances are being requested:

The first variance request is to be allowed to encroach into the 25 ft. Front-yard area along Olive Street and Orange Street to a minimum of 20 feet to allow for a proposed recreational walking track as shown. The

City would like to create a recreational walking track as part of the development of the site for the Fire Station which can be used by the neighborhood residents. As shown this walkway is located to the south of the Fire Station. Due to the wording in the zoning ordinance, it can be interpreted that such a proposed recreational walkway path is not allowed in a front-yard setback. The design intent was to create a walkway which neighborhood residents and firefighters would find useful for exercise. The size of the walkway fits with the property and will allow a larger open space that can be used for other passive activities. The Petitioner does not believe approval of this Variance would have a negative impact on any surrounding property.

The second Variance request is similar to the first Variance in asking to be allowed to encroach into the 20 ft. Side-yard area along the East property line to a minimum of 10 feet to allow for a proposed recreational walking track as shown. The Petitioners are asking to have the above described recreational walkway be as close as 10 feet to the southeasterly property line. The Petitioner does not believe as stated above that approval of this Variance will have a negative impact on any surrounding property.

The third Variance request is from the requirement of providing a Type "B" landscape screen along the perimeter property lines to providing landscape screening as shown. The Petitioner is asking to be allowed flexibility in the placement of landscape plantings along the perimeter of the Petition site as shown. There will be a mix of over-story deciduous trees and evergreen trees and shrubs located throughout the site. Along the East property line there will be evergreen plantings to buffer the Fire Station and the passive open space area from the adjacent homes. Trees will also be placed as shown along the other perimeter yard areas. The Petitioners do not believe approval of this Variance request will create an adverse affect for any adjacent properties.

The fourth Variance request is from the requirement of providing perimeter trees at a minimum rate of one (1) over-story deciduous tree every forty (40) feet along the North, South and West property lines to trees shown and to providing no perimeter trees along the East property line. This is similar to the previous request and the Petitioner is asking for flexibility in the placement of trees along the perimeter of the site. The over-story trees shown have been placed to create a natural looking streetscape which will visually help to allow the new facility to fit with the adjacent uses. The Petitioner does not believe approval of this Variance will have a detrimental impact on surrounding properties.

The fifth Variance request is from the maximum allowed four (4) stall garage structure to a maximum of an eight (8) stall garage structure as shown. The Petitioner is proposing to build an 8 stall garage as an accessory building to the main Fire Station facility. The garage will be used by the firefighters on duty at the Fire Station. The four stall garage limit is more for a residential use so as not to allow a large out of scale garage with a single-family home. The zoning

ordinance does not distinguish between a single-family use and a non-residential use such as a Fire Station. The proposed garage has been placed on the property behind the main building and has its smallest façade facing the public street. There will also be landscaping added along this frontage to buffer the view directly from the street. The Petitioner does not believe approval of this variance will have a negative impact on adjacent properties.

The Sixth Variance request is from the requirement of having only one (1) Primary Use to being allowed to have a maximum of two (2) Primary uses until such time as the original Primary use structure is razed. This request is being made as it is not specifically listed in the zoning ordinance. As part of the building phase of this proposed project the existing Fire Station will remain and will be in full operation until the new facility is completely built and ready for operation. The Petitioner is being conservative to make sure that both structures are allowed until such time as the original Fire Station is razed. Usually under any residential zoning, only one primary use is allowed on a site. The Petitioner does not believe approval of this Variance will have a negative impact on any surrounding property.

The last Variance request is to be allowed to have a maximum 4 ft. high, 32 sq.ft. monument sign as shown instead of the maximum allowed 16 sq.ft. The zoning ordinance allows for a 4 ft. high, 32 sq.ft. monument sign for non-residential uses for a Schools, Religious uses or Nursing Home facilities. The Petitioner would ask to be allowed to have a maximum of 32 sq.ft. for the sign area to identify the new Fire Station facility. The facility as shown could have three (3) monument signs (one per street frontage) having a total square footage of 48 sq.ft. The Petitioner would ask to have only one sign placed along Olive Street as shown. They believe having just one sign is adequate for a facility and property of approximately 2.5 acres. The Petitioner does not believe the Variance request would have an adverse impact on any surrounding property.

In regards to the Special Exception request: the Petitioner is asking approval of a Special Exception Use as allowed under Section 21-02.02 (a)(2)(B) Government Use, of the City of South Bend Zoning Ordinance to allow for a Fire Station on property zoned "SF2" Single Family and Two Family District.

The Petitioner would state that the existing Fire Station has been a staple in the neighborhood for the past decades. The Petitioner believes it is time to replace the existing facility with a new updated facility that can serve the neighborhood in an efficient manner using the latest technologies for firefighting. The site as shown is being planned to place the building to allow for the more open space on the property which can be used by the surrounding residents. This facility is being designed to include several sustainable systems both within the building and in the surrounding landscape.

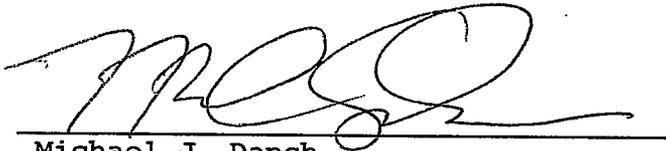
The Petitioner would state that the proposed use will be consistent with the character of the *district* in which it is located and the land uses authorized therein. The Petitioner would state that the proposed

use is not specifically shown with the recommendations of the City of South Bend Comprehensive Plan. The City Comprehensive plan shows that this portion of existing neighborhood is appropriate for the existing use along with low & medium density residential development and with commercial and industrial development that is surrounding the property.

The Petitioners would ask the Board Members to agree that approval of the above described Variances and Special Exception requests will not have a detrimental affect for this area, nor would the property values, public's health, safety, morals, or general welfare be adversely affected.

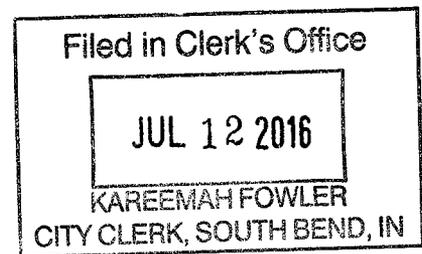
The Petitioners contend that the strict application of the terms of the Zoning ordinance will constitute an unusual and unnecessary hardship as applied to the property for which the Variances and Special Exception are sought: that the need for the Variances and Special Exception arises from such condition peculiar to the property in the same Zone: and that the use or value of the area adjacent to the property described in the Petition for the Variances and Special Exception will not be injurious to the public health, Safety, morals, or general welfare of the community.

I attest, under the penalties for perjury, that the foregoing representations are true.



Michael J. Danch
President

Danch, Harner & Associates, Inc.



Property Owners
Within 300 Feet

Andre & Charlotte Bridges
222 Dundee St
South Bend, IN. 46619
Tax Key # 018 2039 1330

Cleofus Shurn
217 N. Olive St
South Bend, IN. 46628
Tax Key # 018 2038 1285

RENEW Inc
914 LincolnWay West
South Bend, IN. 46601
Tax Key # 018 2023 0696

South Bend Faith Temple Church Inc
PO Box 163
South Bend, IN. 46624
Tax Key # 018 2025 0786

Titus Cunegin
3711 Belle Vista
South Bend, IN. 46619
Tax Key # 018 2023 0690

Frances & Taffie Mallard
2212 Smith St
South Bend, IN. 46628
Tax Key # 018 2025 0796

Martha Ortiz
306 E Indiana Ave
South Bend, IN. 46613
Tax Key # 018 2023 0710

John & Rosie Hunt
2424 Lawton St
South Bend, IN. 46628
Tax Key # 018 2038 1297

Ronnie & Michele Perry
1324 Echo Dr
South Bend, IN. 46614
Tax Key # 018 2025 0782

Gwendolyn Peebles & Diane Floyd Life
Estate
134 N Olive Street
South Bend, IN. 46628
Tax Key # 018 2021 0626

Leroy Gorden Jr.
52848 Red Fox Trl
South Bend, In. 46628
Tax Key # 018 2023 0692

111 North Olive Land Trust LLC
111 N. Olive
South Bend, IN. 46601
Tax Key # 018 2039 1333

James Trotter
125 N Olive St
South Bend, IN. 46628
Tax Key # 018 2039 1332

Tamika Lottie
229 Sadie
South Bend, IN. 46601
Tax Key # 018 2023 0687

Frances & Taffie Mallard
2212 Smith St
South Bend, IN. 46628
Tax Key # 018 2025 0799

Brenda Oneal
125 N Carlisle St
South Bend, IN. 46628
Tax Key # 018 2021 0633

Heather Thomas
5312 Elmer Way
Sacramento, CA. 95822
Tax Key # 018 2038 1294

Diane Perry Lisa Perry
2305 Smith St
South Bend, IN. 46628
Tax Key # 018 2025 0785

Luther & Beatrice Tyson
56077 Butternut Road
South Bend, IN. 46619
Tax Key # 015 2021 0628

Habitat for Humanity Inc
402 E South St
South Bend, IN. 46601
Tax Key # 018 2022 068001

Trustees of South Bend Faith &
Temple Church
2313 Linden Ave
South Bend, IN. 46628
Tax Key # 018 2025 0783

Joseph Plumb Martin LLC
61313 US 31 South
South Bend, IN. 46614
Tax Key # 018 2021 0632

George Washington Jr. & Daisy Hall
2314 Smith St
South Bend, IN. 46628
Tax Key # 018 2025 0781

Ethel Anderson
55871 Orange Road
South Bend, IN. 46619
Tax Key # 018 2021 0634

Jackson Transport LLC
601 N Eddy St
South Bend, IN. 46628
Tax Key # 018 2038 1289

Heather Thomas
5312 Elmer Way
Sacramento, CA. 95822
Tax Key # 018 2038 1291

Diane Perry Lisa Perry
2305 Smith St
South Bend, IN. 46628
Tax Key # 018 2025 0788

City of South Bend Board of Public Works
227 W Jefferson
South Bend, IN. 46601
Tax Key # 018 2025 0791

Habitat for Humanity of St. Joseph County Inc
402 E South St
South Bend, IN. 46601
Tax Key # 018 2025 0794

Habitat for Humanity of St. Joseph County Inc
402 E South St
South Bend, IN. 46601
Tax Key # 018 2025 0797

Wayne Cannady
21880 W. Ireland Rd
South Bend, IN. 46614
Tax Key # 018 2039 1341

Malcolm & Leona Orlea
56911 Oak Rd
South Bend, IN. 46619
Tax Key # 018 2039 1339

Diana Pittman
213 Sadie
South Bend, IN. 46628
Tax Key # 018 2023 0695

Ernie Mason
221 N Sadie
South Bend, IN. 46601
Tax Key # 018 2023 0691

Arthur Williams
484 W. 43rd Apt. 37b
New York, NY. 10036
Tax Key # 018 2021 0640

Civil City of South Bend
227 W Jefferson Ste. 1200
South Bend, IN. 46601
Tax Key # 018 2023 0716

William Reese
15823 N Michigan Rd
Argos, IN. 46501
Tax Key # 018 2038 1286

Victoria Parks
2423 Lawton St
South Bend, IN. 46628
Tax Key # 018 2038 1296

Geraldine Weatherspoon
2421 W Lawton
South Bend, IN. 46628
Tax Key # 018 2038 1293

Civil City of South Bend
227 W Jefferson Ste. 1200
South Bend, IN. 46601
Tax Key # 018 2023 0714

Janice Kimbrough
121 N Carlisle St
South Bend, IN. 46619
Tax Key # 018 2021 0636

Casey & LaTonya Harrison
125 N Olive
South Bend, IN. 46628
Tax Key # 018 2021 0635

Civil City of South Bend
227 W Jefferson Ste. 1200
South Bend, IN. 46601
Tax Key # 018 2039 1337

Civil City of South Bend
227 W Jefferson Ste. 1200
South Bend, IN. 46601
Tax Key # 018 2039 1329

PEKA Housing LLC
2913 Mishawaka Ave
South Bend, IN. 46615
Tax Key # 018 2069 2551

Cristhian Ledesma
2406 Linden
South Bend, IN. 46628
Tax Key # 018 2069 2552

Indiana United Corporation
PO Box 3535
South Bend, IN. 46619
Tax Key # 018 2069 2553

Judith Barkowski & Carolyn Barkowski Seagraves
301 W 13th St Apt. 261
Muncie, IN. 47302
Tax Key # 018 2025 0768

Judith Barkowski & Carolyn Barkowski Seagraves
301 W 13th St Apt. 261
Muncie, IN. 47302
Tax Key # 018 2025 0769

James Jones & Helen Gates
2317 Linden
South Bend, IN. 46628
Tax Key # 018 2025 0774

James Jones & Helen Gates
2317 Linden
South Bend, IN. 46628
Tax Key # 018 2025 0777

Dorothy Hill
734 N Olive St
South Bend, IN. 46628
Tax Key # 018 2021 0637

Wayne Cannady
21880 Ireland Rd.
South Bend, IN. 46614
Tax Key # 018 2039 1338

Troy Thomas
2415 Lawton
South Bend, IN. 46628
Tax Key # 018 2038 1290

Loyal & Sally Woodson
2319 Keller
South Bend, IN. 46628
Tax Key # 018 2038 1281

United States of America
Post Office Dept. Room 3233
Washington DC, 20260
Tax Key # 018 20223 068301

Juan Padilla.
1314 W. Dubail St.
South Bend, IN. 46613
Tax Key 018 2023 0712

Martha Ortiz
306 E Indiana Ave
South Bend, IN. 46613
Tax Key # 018 2023 0711

Jaun & Martha Ortiz
1314 W Dubail St
South Bend, IN. 46613
Tax Key # 018 2023 0705

Federal Housing Administration
2214 Orange
South Bend, IN. 46628
Tax Key # 018 2023 070301

Robert Waters
218 Birdsell St
South Bend, IN. 46628
Tax Key # 018 2023 0702

Jaime & Juana Garcia
2217 West Linden
South Bend, IN. 46628
Tax Key # 018 2025 0806

South Bend Faith Temple Church Inc
PO Box 163
South Bend, IN. 46624
Tax Key # 018 2025 0780

Maoyu Shang
1608 Leer
South Bend, IN. 46613
Tax Key # 018 2069 2548

Anthony & Dwight Sanders
1030 W Jefferson St
South Bend, IN. 46601
Tax Key # 018 2038 1284

Jasmine Brown
230 Sadie
South Bend, IN. 46628
Tax Key # 018 2023 0688

Jennine Hairston
2418 Linden
South Bend, IN. 46628
Tax Key # 018 2069 2549

Superior Federal Bank
PO Box 9597
Uniondale, NY. 11556
Tax Key #018 2069 2550

Michael Martin
135 N Carlisle St
South Bend, IN. 46628
Tax Key # 018 2021 0624

Anthony Palmer
207 S Lake St
South Bend, IN. 46619
Tax Key # 018 2021 0622

Habitat for Humanity of St. Joseph
County Inc
402 E South St
South Bend, IN. 46601
Tax Key # 018 2022 0655

Janely Becerra
237 Sadie
South Bend, IN. 46601
Tax Key # 018 2023 0685

Michael & Aisha Martin
135 N Carlisle
South Bend, IN. 46628
Tax Key # 018 2021 0623

Beatrice or Luther Tyson
56077 Butternut Road
South Bend, IN. 46619
Tax Key # 018 2021 0625

Martha Ortiz
306 E Indiana Ave
South bend, IN. 46613
Tax Key # 018 2023 070701

Lucia Torre
138 Sadie
South Bend, IN. 46619
Tax Key # 018 2023 0704

John Huey Graham Jr
2210 W Orange St
South Bend, IN. 46628
Tax Key # 018 2023 0706

Sheila Anderson
1662 Greenwood Dr
South Bend, IN. 46614
Tax Key # 018 2025 0772

Linda Dawning
205 Sadie
South Bend, In. 46601
Tax Key # 018 2023 0699

James & Sheila Carr
56088 Orchid Rd
South Bend, IN. 46619
Tax Key # 018 2023 0700

Faith Temple Church of God in Christ
2313 Linden Ave
South Bend, IN. 46628
Tax Key # 018 2025 0789

Michael Stuckey & Aja Smith
2307 Linden
South Bend, IN. 46628
Tax Key # 018 2025 0792

James C Trotter Sr.
125 N Olive St
South Bend, IN. 46628
Tax Key # 018 2025 0795

Lorna Tukes
2010 W Linden St
South Bend, IN. 46628
Tax Key # 018 2025 0798

I and N Inc
PO Box 6213
South Bend, IN. 46660
Tax Key # 018 2025 0801

Percy Reed
1407 Napier
South Bend, IN. 46619
Tax Key # 018 2038 1282

Civil City of South Bend
227 W Jefferson Ste. 1200
South Bend, IN. 46601
Tax Key # 018 2022 0665

Samuel & Jasmine Brown
230 N. Sadie
South Bend, IN. 46628
Tax Key # 018 2023 0682

SWE Inc
2208 Linden
South Bend, IN. 46628
Tax Key # 018 2023 0684

Charlie Chin
2409 Linden
South Bend, IN. 46628
Tax Key # 018 2068 2521

Mike Bajdek Mobile Service Inc
323 N Olive
South Bend, IN. 46628
Tax Key # 018 2068 2523

Mike Bajdek Mobile Service Inc
323 N Olive
South Bend, IN. 46628
Tax Key # 018 2068 2525

William Orr & Pauline Fleming
51604 Dade Street
South Bend, IN. 46628
Tax Key # 018 2025 0776

Saville Atkins
309 Huey St
South Bend, IN. 46628
Tax Key # 018 2025 0812

Thomas Karle Stewart
PO Box 3314
South Bend, IN. 46619
Tax Key # 018 2021 0629

Dottyann Maefield & Martha Scott
Young Life Estate
210 N Sadie
South Bend, IN. 46628
Tax Key # 018 2023 0698

Brenda Oneal
125 N Carlisle St
South Bend, IN. 46628
Tax Key # 018 2021 0630

Leo & Len Trevino
19751 Southland
South Bend, IN. 46614
Tax Key # 018 2025 0770

Luther Tyson
56077 Butternut Rd
South Bend, IN. 46619
Tax Key # 018 2021 0631

Martha Ortiz
1314 W Dubail
South Bend, IN. 46613
Tax Key # 018 2023 0709

Debra Harris
135 N Carlisle
South Bend, IN. 46628
Tax Key # 018 2021 0627

Monica Schneider
2302 W Smith St
South Bend, IN. 46628
Tax Key # 018 2025 0790

Monica Schneider
2302 W Smith St
South Bend, IN. 46628
Tax Key # 018 2025 0793

Alicia Neely
19205 Greenacre
South Bend, IN. 46637
Tax Key # 018 2025 0802

111 North Olive Land Trust LLC
111 North Olive
South Bend, IN. 46628
Tax Key # 018 2039 1334

Jimmie Bean
116 N Olive St
South Bend, IN. 46628
Tax Key # 018 2021 0638

Jim Kimbrough
1701 Linden Ave
South Bend, IN. 46628
Tax Key # 018 2021 0639

Malinda Mallard
PO Box 3528
South Bend, IN. 46619
Tax Key # 018 2025 0805

Malinda Mallard
PO Box 3528
South Bend, IN. 46619
Tax Key # 018 2025 0807

Bennie & Josephine Shannon
129 N Olive St
South Bend, IN. 46628
Tax Key # 018 2039 1331

Leroy & Ernestine Gordon
218 N Sadie St
South Bend, IN. 46628
Tax Key # 018 2023 0694

Jackson Transport LLC
601 N Eddy St
South Bend, IN. 46628
Tax Key # 018 2038 128701

Percy Reed
1407 Napier St
South Bend, IN. 46601
Tax Key # 018 2038 1283

Diane Gorden & Diane Bryant
215 N Gladstone Ave
South Bend, IN. 46619
Tax Key # 018 2023 0708

William Orr & Pauline Fleming
51604 Dade Street
South Bend, IN. 46628
Tax Key # 018 2025 0779

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830

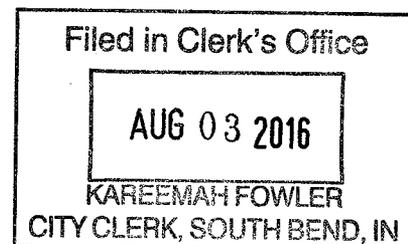


PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT

August 3, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601



RE: Transfer of Real Property Tax Abatement for: **SBG Realty, LLC**

Dear Council Member Ferlic:

On January 24, 2011, Resolution No. 4075-11 was adopted, designating 3849 Showerlux Drive, South Bend, IN 46628 as an Economic Revitalization Area for purposes of an eight (8) year real property tax abatement. Somaschini North America has since taken full ownership of SBG Realty, LLC, dissolved the original partnership, and kindly requests the existing eight (8) year real property tax abatement be transferred solely to Somaschini North America. Upon transfer, Somaschini North America agrees to and assumes all of the previously approved targets regarding, private investment, job creation, etc.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb
Director of Economic Resources

RESOLUTION NO. _____

A RESOLUTION RECONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION NO 4075-11 DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

3849 SHOWERLUX DRIVE, SOUTH BEND, IN 46628

AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT (8) YEAR REAL PROPERTY TAX ABATEMENT AND CHANGING OWNERSHIP FROM SBG REALTY, LLC TO

SOMASCHINI NORTH AMERICA

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 3849 Showerlux Drivem South bend, IN 46628 and which is more particularly described as follows:

This real estate is commonly described as: vacant land North of and adjacent to 4701 Nimitz Parkway, said property having frontage on Showerlux Drive, South Bend, Indiana 46628 and is legally described as follows: that part of the Southeast Quarter of Section 20 and the Southwest quarter of Section 21, both in Township 38 North, Range 2 East, German Township, City of South Bend, St. Joseph County, Indiana which is described as: Lot # 10A as shown on the plat of "H.G. Baus Centre-Phase One First Replat" subdivision recorded by Document No. 0746267 in the records in the Office of the Recorder of St. Joseph County, Indiana. Containing 5.54 acres more or less. Subject to all legal highways, easements and restrictions of record,

and which has Key Number 025-1010-036101, as an Economic Revitalization Area; and

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances

and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby reconfirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council. The Common Council hereby confirms that Somaschini North America may assume the tax abatement previously granted to SBG Realty, LLC.

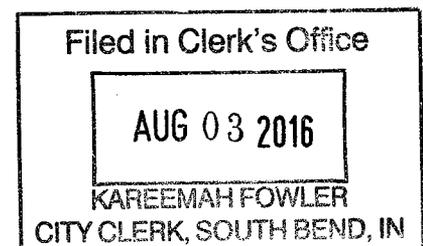
SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of eight (8) years, and further determines that the petition complies with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Reconfirming Resolution references Confirming Resolution No. 4075-11. Somaschini North America hereby assumes the approved tax abatement granted to SBG Realty, LLC for property located at 3849 Showerlux Drive, South Bend, IN 46628 and with it, all targets associated with the original petition for incentives regarding private investment and job creation and retention.

SECTION IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

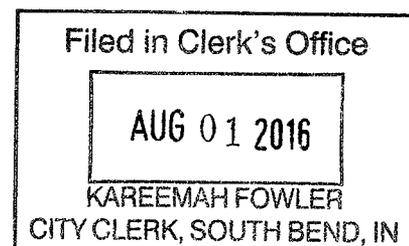
Member of the Common Council

1st READING
PUBLIC HEARING
3rd READING
SB302 Rev 3/08/35v1
NOT APPROVED
REFERRED
PASSED





Common Council
 City of South Bend Indiana
 Oliver J. Davis, 6th District Council Member
 4th Floor County-City Building
 227 West Jefferson Boulevard
 South Bend, Indiana 46601
 (574) 235-9173 Facsimile



(574) 235-5986

(574)235-5567 TTY/TDD

August 1, 2016

The South Bend Common Council
 4th Floor County-City Building
 227 W. Jefferson Boulevard
 South Bend, Indiana 46601

Re: Canada Geese

Dear Council Members:

Greetings. As a member of the Council's Health and Public Safety Committee, I am introducing the attached proposed Resolution for the purposes of learning more about current City policies and for providing the opportunities for having meaningful public dialogue on policies addressing Canada geese.

Recently there have been an increased number of concerns published on this topic which have raised concerns in the news media and the public. As noted in the attached Resolution, there are agencies at the state and federal level, as well as many private organizations involved.

Again, since I serve on the Council's Health and Public Safety Committee, I believe it would be appropriate to hear from the City Administration, perhaps in this Committee on such items as:

- What approaches is the City using to address any concerns resulting from Canada geese on city-owned properties; what metrics are used in reviewing such programs and how often are they reviewed?
- How many complaints by the City which have been documented in 2015 and through July 2016 and by what departments?
- How much money was budgeted last year and proposed for next year on implementing the City's methods?
- Do the methods developed by the City reflect the best practices recommended by the Indiana Department of Natural Resources and other best practices?
- Does the City inform residents and businesses in South Bend about the Indiana Division of Fish and Wildlife's Canada Goose Conflict Resolution Sheet? [See: <http://www.in.gov/dnr/fishwild/files/fw-Nuisance-Goose-Solutions-Sheet.pdf>]
- Does the City of South Bend currently use any habitat modification techniques recommended by the DNR and are "harassment techniques" of hazing/scaring being utilized when they are documented complaints involving damage caused by Canada geese?
 See: <http://www.in.gov/dnr/fishwild/3002.htm>

- In the last three (3) years, has any department or Board/Commission of the City of South Bend applied for or authorized applying for any Trap/Transport Permit through a District Wildlife Biologist, and if answered in the positive, what were the details and results?
- In the last three (3) years has any department or Board/Commission of the City of South Bend applied for or authorized applying for any Trap and Lethal Removal Permit through a District Wildlife Biologist, and if answered in the affirmative, what were the details and results?

The Council's Health and Public Safety Committee may also wish to contact the Wildlife Biologist assigned to this region, Megan Dillon [mdillon@dnr.IN.gov] so that the City is updated on the latest facts on this wildlife topic.

In light of the amount of questions raised by the public recently, until such a public meeting is held, the Resolution is also calling for the City Administration to put on hold any relocation and/or extermination program(s), if there are any underway or proposed.

Noting that there should be a proper balance between the interactions of persons living in urban communities and natural wildlife, and as an elected public officials of our City, I urge the members of the South Bend Common Council to adopt this Resolution.

If you have any questions, please contact me at 876-6938. Thank you.

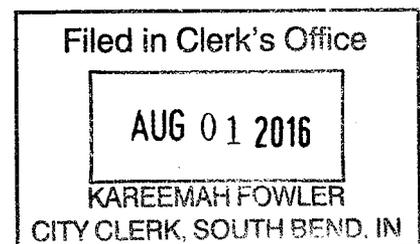
Most sincerely,



Council Member Oliver J, Davis
6th District Council Member
Council Vice-President

Attachment

cc: Mayor Pete Buttigieg
Aaron Perri, Park Superintendent





A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND, INDIANA, RECOMMENDING THAT INTEGRATED AND MULTIFACETED
APPROACHES BE PUBLICLY DISCUSSED AND FURTHER DEVELOPED WHICH ADDRESS
CANADA GEESE

Whereas, the South Bend Common Council notes that the Indiana Department of Natural Resources (DNR) currently employs 214 conservation officers “who serve the public and protect the natural Hoosier heritage of the State of Indiana” who are trained in specialty areas in a variety of the enforcement and non-enforcement activities; and the DNR also employs Wildlife Biologists assigned to specific regions throughout the state who work as field biologists within the DNR, Division of Fish and Wildlife; and

Whereas, the Canada goose is part of a large wild goose species which is native to arctic and temperate regions of North America, experienced a declining population due to the use of chemicals and excessive hunting, whose population is now rebounded after captive birds were released throughout the country increasing their presence often in urban areas especially where there is mowed grass and increased use of retention ponds; and

Whereas, airports throughout the country have developed long-term strategies to reduce conditions that may attract geese to airports. For example, the Chicago Department of Aviation continues to practice habitat management plans designed to “manipulate the landscape to deter wildlife”. Midway and O’Hare Airports also focus on storm water drainage and wild-life resistant fences which are designed so that they do not attract nesting birds; and

Whereas, scientific studies have shown that “goose droppings do not pose any special health threats” according to the Humane Society of the United States, with the HSUS publishing *Solving Problems with Canada Geese – A Management Plan and Information Guide* available at:

http://www.humanesociety.org/assets/pdfs/wild_neighbors/canada_goose_guide.pdf; and

Whereas, HSUS has developed “Synergy” where “effective plans get synergy from combing two or three Key Components – curtailing reproduction, site aversion, and habitat modification” with “effective goose management programs typically following a seasonal timeline” which also include complementary components: “Tolerance Zones; Public Education, and Stop Feeding”, with HSUS stressing that:

“Conflicts between people and Canada geese will be resolved by individuals and communities that care about the birds, the environment, and the well-being of their communities...”; and

Whereas, the Indiana Department of Natural Resources website:
<http://www.in.gov/dnr/fishwild/3000.htm#> notes that the Migratory Bird Treaty Act of 1918 authorized the Department of the Interior’s Fish and Wildlife Service oversight “to manage and regulate the harvest of migratory birds in the United States”. Additionally there are four international treaties in place with Canada, Mexico, Japan and Russia which make it illegal “to harvest waterfowl or other migratory birds except during the hunting season or by permit”; and

Whereas, since 1999, a federal special Canada goose permit has been in place specifically for the purpose of “management and control of resident Canada geese” with such permits being issued to State wildlife management agencies; and

Whereas, in September 2006, the Indiana Division of Fish and Wildlife was authorized to begin a process whereby landowners and managers of public lands could register and seek permission for egg and nest destruction activities, requiring the permit holder to file by October 31st a report with the state; and

Whereas, the DNR website further stresses that “reducing damage caused by Canada geese takes the cooperation of the entire community”, and recommends a 4-Step program focusing on:

- Step 1: Commitment
- Step 2: Take Charge
- Step 3: Obtain Community Support
- Step 4: Create a Plan of Action

Biologist have weighed in noting that “answers lie in a change in perspective and landscape – like by planting tall native grasses”, which also help stabilize the banks of rivers and streams; and

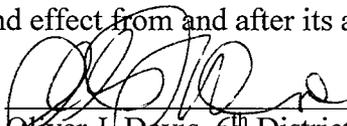
Whereas, several Indiana cities have attempted to address Canada geese concerns: at last month the City of Mishawaka, hired a contractor certified by the DNR to “remove and kill geese from [their] golf course and from Beutter, Merrifield and Crawford parks” resulting in more than 400 Canada geese being exterminated. This year, the City of Lafayette filed for permits to relocated Canada geese. In 2015, the City of Muncie was to relocate 800 Canada geese; and Warsaw has been removing such geese for several years.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The South Bend Common Council believes that there should be public discussions with the City Administration on Canada geese and how and if they are impacting our local area. In this way, integrated and multifaceted approaches, if needed can be discussed with the public, in determining what is in the best for our City.

Section II. The Common Council notes that urban areas are encroaching the habitat of Canada geese, which must and should be balanced with developing positive measures for wildlife and humans to live in harmony for generations to come. The Council further believes until such a public meeting is held, that if the City Administration has any relocation and/or extermination programs underway that they be placed on hold.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.



Oliver J. Davis, 6th District Council Member
Common Council Vice-President

Attest:

Kareemah Fowler, City Clerk

PRESENTED
NOT APPROVED
ADOPTED

Approved this ___ *day of August, 2016.*

Pete Buttigieg, Mayor of South Bend, Indiana

Filed in Clerk's Office
AUG 01 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830

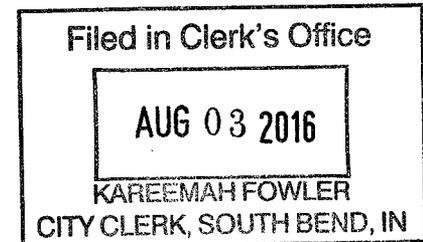


PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT

August 2, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601



RE: Personal Property Tax Abatement Petition for: **AM General, LLC**

Dear Council Member Ferlic:

Please find the attached information pertaining to a personal property tax abatement petition for AM General, LLC:

- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

The report contains the Department's findings relative to the above petition. AM General, LLC will be investing approximately \$1,100,000 in the purchase of new equipment, as part of their Service Parts Logistics Operations (SPLO). AM General, LLC will be relocating their SPLO operation to South Bend in an effort to become more efficient, reduce costs, and build a new Military Field Service & Training group that provides technical support and training to its customers. The project meets the qualifications for a (5) five year personal property tax abatement. A representative from AM General, LLC will be available to meet with the Committee on Monday, August 8, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb
Director of Economic Resources

TAX ABATEMENT REPORT

Filed in Clerk's Office

AUG 03 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

TO: SOUTH BEND COMMON COUNCIL

FROM: AARON KOB

SUBJECT: PERSONAL PROPERTY TAX ABATEMENT PETITION FOR:
AM General, LLC

DATE: August 2, 2016

On Wednesday, August 3, 2016, a petition from AM General, LLC was received and subsequently filed with the City Clerk for personal property tax abatement consideration for property to be located at 5448 Dylan Drive, South Bend, IN 46628. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Purchase of approximately \$1,100,000 of new equipment as part of their Service Parts Logistics Operations (SPLO). AM General, LLC will be relocating their SPLO operation to South Bend in an effort to become more efficient, reduce costs, and build a new Military Field Service & Training group that provides technical support and training to its customers.
- Estimated total taxes on new equipment over the five abatement period – \$94,366
- Estimated taxes abated on new equipment over the five abatement period – \$43,483
- Estimated taxes to be paid on new equipment over five year abatement period – \$50,883

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create 123 permanent, full-time jobs within the five year abatement period, representing a new estimated annual payroll of \$9,307,459

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year personal property tax abatement under section 2-84.2, Tangible Personal Property Tax Abatement.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

5448 Dylan Drive, South Bend, IN 46628

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR:

AM General, LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 5448 Dylan Drive, South Bend, IN 46628 and which is more particularly described as follows:

Business Personal Property

and which has a Key Number to be assigned be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq., that:

- a. The estimate of the cost of the new manufacturing equipment is reasonable for

- equipment of that type;
- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
 - c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
 - d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
 - e. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

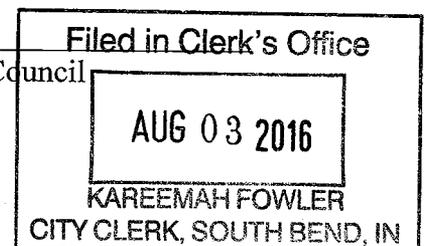
SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VI. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

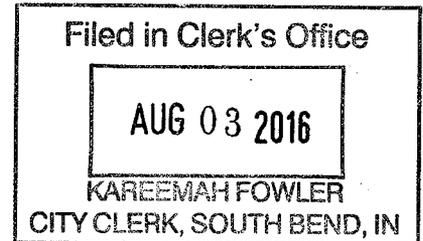
SECTION VII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council



PRESENTED
NOT APPROVED
ADOPTED

MEMORANDUM OF AGREEMENT



This Memorandum of Agreement (Agreement) dated as of the 9th day of August, 2016, serves as confirmation of a commitment by AM General, LLC (the "Applicant"), to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement (Commitments).

1. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana (the "City") commits to provide a (5) five-year personal property tax abatement for the Applicant, based on the Applicant's commitment set forth in its petition for 5448 Dylan Dr., South Bend, IN, 46628 (Key No. to be assigned). The Applicant commits to a capital expenditure of \$1,100,000 associated with the purchase of new equipment. This personal property project will create at least one hundred twenty three (123) new, permanent full-time jobs with a total estimated annual payroll of \$9,307,459 within the five year abatement period.

2. Potential Impact of State of Indiana Circuit Breaker Law: The parties note that the calculations regarding the affect of the tax abatement in question are based on the State of Indiana's tax rates currently in effect at the time of entering into this Memorandum of Agreement. The complete impact of the State of Indiana's Circuit Breaker law on the City's property tax revenues is unknown at this time. To assure that the City receives the projected amount of property tax revenues, which amount was calculated at the time of granting the tax abatement for the Applicant, the parties to this Memorandum of Agreement agree to adjust the length of the abatement and/or the percentage of deduction if the tax revenues due under the Circuit Breaker Law are less than what was initially projected and represented to the Common Council, as evidenced by the supporting documentation submitted to the Council with the Applicant's tax abatement petition. However, in no case will the adjustments cause the property taxes to be paid to exceed the tax payments as initially projected and represented to the Common Council by the aforementioned supporting documentation.

3. Applicant's Compliance with City and State Laws. During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6 of the *South Bend Municipal Code* entitled "Tax Abatement Procedures" and all governing provisions of the Indiana Code.

During the term of this abatement, the City may annually request information from the Applicant concerning the nature of the Project, the approved capital expenditure of the Project, the number of full-time permanent positions newly created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within 15 days of such request (the "Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has complied with the commitments contained in the Commitments at all times after the Commitment Date and during the duration of the abatement. The Applicant further agrees to provide the City with such additional information requested by the City related to the information provided in the Annual Survey and the CF-1 form within a reasonable time following any such additional request.

4. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control. As used in this Agreement, "substantial compliance" shall mean the Applicant's compliance with the following: (a) making personal property expenditures of not less than One Million One Hundred Thousand (\$1,100,000) for new equipment. This personal property investment will create at least one hundred twenty three (123) new, permanent full-time jobs with a total estimated annual payroll of \$9,307,459 within the five year abatement period..

5. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

6. Repayment of Tax Abatement Savings. If at any time during the term of this Agreement the Applicant shall: (i) be delinquent or in default with respect to any tax payment in St. Joseph County, Indiana; or (ii) cease operations at the facility for which the tax abatement

was granted; or (iii) announce the cessation of operations at such facility, then the City may immediately terminate the Economic Revitalization Area designation and associated tax abatement deductions, and upon such termination, require Applicant to repay all of the tax abatement savings received through the date of such termination.

7. Notice/Hearing of Termination. In the event that the City determines that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated or that all or a portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax savings repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax savings repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or the tax repayment action is proper, the Applicant shall be provided with written notice and a hearing before the SBCC before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. The Applicant shall be entitled to appeal that determination to a St. Joseph County Superior or Circuit Court.

8. Repayment. In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (Statement), and Applicant shall make such repayment to the City within 30 days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement and collection of the tax abatement savings required to be repaid hereunder.

9. Modification/Entire Agreement. This Agreement and the schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all

filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

10. Waivers. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the St. Joseph County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:		AM General, LLC 5448 Dylan Drive South Bend, IN 46628 Attn: Eric Swift

If to the City:	City of South Bend, Indiana 227 West Jefferson Blvd. Suite 1400S South Bend, Indiana 46601 Attn: Aaron Kobb, Department of Community Investment
-----------------	---

14. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld.

15. Valid and Binding Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

16. Severability. The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability. No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

<p>“Applicant” AM General, LLC</p> <p>By: _____ Eric Swift, Manager, Logistics Support SPLO</p> <p>Approved as to Legal Adequacy and Form this _____ day of _____, 2015.</p>	<p>“City” City of South Bend, Indiana</p> <p>By: _____ Tim Scott President, South Bend Common Council</p> <p>By: _____ Gavin Ferlic Chairperson, Community Investment Committee</p> <p>By: _____ Aaron Kobb Department of Community Investment</p> <p>By: _____ Pete Buttigieg Mayor</p>
<p>Kathleen Cekanski-Farrand Counsel, South Bend Common Council</p>	
<p>Counsel for Applicant</p>	

5 YEAR

2-Aug-16

AM General, LLC

South Bend German Township
 Personal Property Tax Abatement Schedule*

Assessed Value:	Current AV & Tax	Pay 2017	Pay 2018	Pay 2019	Pay 2020	Pay 2021
Current Assessed Value	0	0	0	0	0	0
Base Assessed Value	440,000	440,000	660,000	605,000	495,000	407,000
Less Abatement Deduction	(440,000)	(440,000)	(528,000)	(363,000)	(198,000)	(81,400)
Net Assessed Value	0	0	132,000	242,000	297,000	325,600
Property Taxes:						
Assume constant tax rate of	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%
Gross Tax (tax rate x net assessed value)	0	0	7,211	13,220	16,224	17,787
Less Circuit Breaker Credit	0	0	0	0	0	(3,559)
Net Tax	0	0	7,211	13,220	16,224	14,228
Circuit Breaker Cap						
Circuit Breaker	3.0000%	13,200	19,800	18,150	14,850	12,210
Debt Service	0.6197%	0	818	1,500	1,840	2,018
Circuit Breaker Cap		13,200	20,618	19,650	16,690	14,228

Tax Key Number: TBD
 Current Assessed Value: 0
 Estimated Project Cost: 1,100,000

Year	Year 1	Year 2	Year 3	Year 4	Year 5
40%		60%	55%	45%	37%
100%		80%	60%	40%	20%

Filed in Clerk's Office
 AUG 03 2016
 KAREN VAUGHAN, CLERK
 CITY OF SOUTH BEND, IN

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
Year 1	0	15,927	15,927	15,927	0
Year 2	0	23,890	23,890	16,679	7,211
Year 3	0	21,899	21,899	8,679	13,220
Year 4	0	17,917	17,917	1,693	16,224
Year 5	0	14,732	14,732	504	14,228
Totals	0	94,365	94,365	43,483	50,883

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

City of South Bend

Petition for Incentives

Petition must include a \$250 filing fee payable to the City Clerk's Office or online via the City's website at <http://southbendln.gov/government/content/tax-abatement-before-processing-can-be-complete>



General Information		Project Name	SPLO Footprint Reduction	Project Number
Legal name as registered with Secretary of State		AM General LLC		
Business structure		Aftermarket Warehousing Division - Service Parts Logistics Operation (SPLO)		
Company website		AMGeneral.com		
Proposed Project Information				
Proposed project address		5448 Dylan Drive	Parent company name	Blackthorn - GLC@ Portage Prairie
City, State, Zip	South Bend IN		Legal owner	
Site acreage or acreage required	25 acre site		Is the real estate owned or leased?	Leased
Square feet of facility	210,000 SF		If leased by whom	AM General LLC
Primary Contact Information				
Primary company contact name		Eric Swift	Title	Manager, Logistics Support SPLO
Address of company contact		408 South Byrkit Street	Phone	574-252-0707
City, State, Zip	Mishawaka IN 46544		Email	Eric.Swift@amgeneral.com
Senior Official Information				
Company senior official name		David Whitby	Title	V.P. - Military Operations
Address of company contact (if different from above)		13200 McKinley Highway	Phone	574-258-7640
City, State, Zip	Mishawaka, IN 46545		Email	David.Whitby@amgeneral.com
Consultant Information/Agent				
Hired business consultant/agent name			Consultant release (Y/N)	
Address			Local economic development partners approval (Y/N)	
City, State, Zip			Email	
Project Overview				
Brief description of your company, project, and why the property is necessary for economic growth		<p>AM General is a headquartered in South Bend, Indiana. The company traces its history from the 1903 starting with the Standard Wheel Company to Willys-Overland Motors to Kaiser Motor's to Kaiser Jeep and includes ties with Studebaker through American Motors. AM General produced Military Jeeps, Post Office vehicles, Commercial Jeeps, buses, Military 2 1/2 ton and 5 ton Trucks in South Bend, Indiana. In the late 1970's, AM General designed the HMMWV and it is still manufactured in AM General's Military Assembly Plant (MAP) in Mishawaka, Indiana. The HMMWV led to commercial ventures like the HUMMER H1. In 2001, AM General opened a new facility in Mishawaka that built HUMMER H2s for General Motors. The Commercial Assembly Plant (CAP) now produces Mercedes R-class vehicles and MV-1 taxis.</p> <p>AM General provides aftermarket vehicle support from its Service Parts Logistics Operations (SPLO) facility located in Mishawaka, IN. This site is a 450,000SF campus that contains a warehouse operation with over 13,000 unique service parts and a Military Field Service & Training (MFS&T) group that provides technical support and training to its customers.</p> <p>AM General wants to relocate the SPLO operation to this new site to become more efficient to reduce costs and it wants to build a new up to date MFS&T Training Center that better meets student needs. The current site is old and consists of multiple interconnected buildings; it is too large for current business demands and creates inefficiencies. The aftermarket parts market is very competitive and AM General needs to reduce costs to continue to be competitive. Moving to the smaller single building will allow AM General to change its processes and add technology allowing the operation to become more efficient.</p>		
Certified Technology Park appropriate		Blackthorn - GLC@ Portage Prairie		
Is the project in a Tax Incremental Financing (TIF) area? If so, which?				
Certify that the Building Permit has not been issued (Y/N)		under construction	Number of residential units created by project	
If this is a petition for personal property tax abatement, has the equipment been installed		No equipment has been installed, we are evaluating the opportunity to move		

Filed in Clerk's Office

JUL 13 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Investment Details			
Public infrastructure needs (Other site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
none		\$700,000	\$400,000

New Project Investments								
Calendar Year	2016	2017	2018	2019	2020	2021	2022	2023
Land Acquisition								
Building Lease Payments		\$ 656,638	\$ 665,048	\$ 673,361	\$ 681,778	\$ 690,300	\$ 698,929	\$ 707,666
Building Purchase Costs								
New Building Construction								
Existing Building Improvements	\$ 1,950,000							
New Machinery & Equipment	\$ 1,100,000							
Special Tooling/Retrofitting								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure	\$ 150,000							
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2016			123	\$36.38		
2017						
2018						
2019						
2020						
2021						
2022						
2023						
2024						
2025						
2026						
2027						

Provide hourly wage information for new employees in the following positions.

	Full time	Part time
Laborers	\$12.00	
Technical	\$28.03	
Managerial	\$34.85	
Administrative	\$17.09	

Who will be the individual responsible for coordinating with WorkOne on recruiting? _____

Does your company have an EEO hiring policy? Yes No

Are you an EEO employer? No Yes

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Year	2015		2014		2013		Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	
Black	197	0	208	0	226	0	The numbers represents all AMG locations and attached is AM General's commitment to diversity and inclusion. This includes outreach and recruitment efforts, all internally posted jobs include the inclusion verbiage as well as hiring managers must acknowledge the company policy was read and adhered.
Hispanic	61	0	64	0	66	0	
Asian	14	0	14	0	15	0	
Indian	3	0	4	0	4	0	
Female	313	0	317	0	353	0	
Other	0	0	0	0	0	0	

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

Public Benefit Item:					
Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.			Qualify (Yes or No)	Earned Points	Available Points
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	Yes	20	20
	B.	Purchase Materials from Local Companies (75%)	Yes	20	20
	C.	Require Employees vs. Independent Contractors	Yes	19	19
	D.	Require Prevailing Wage (Davis Bacon)			22
	E.	Require Health Benefits			22
	F.	Require Pension Benefits			18
	G.	Maintain Affirmative Action Plan			20
		Sub-total Construction Related:			59
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	Yes	33	33
	B.	Provide Health Benefits	Yes	34	34
	C.	Provide Pension Benefits	Yes	29	29
	D.	Provide Training	Yes	28	28
	E.	Provide Child Care	No		15
	F.	Provide Transportation Assistance	No		14
	G.	Provide Employer Assisted Housing program	No		9
	Sub-total Wage & Benefit Related:			124	162
3	Workforce Related:				
	A.	Create New Jobs	Possibly		42
	B.	Retain Existing Jobs	Yes	41	41
	C.	Maintain Affirmative Action Plan	Yes	35	35
	D.	Provide Targeted Hiring Preference	Yes	34	34
	Sub-total Workforce Related:			110	152
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	Yes	84	84
		Name of Facility			
	Sub-total Municipal Facility:			84	84
Sub-total from Above:				377	539

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:

Dorine H. Schmitt

Date:

6/28/16

What is the current assessed value?	Real Property:		Personal Property:	
What is the projected assessed value?	Real Property:		Personal Property:	
What is the tax key number for this project?				
What is the six digit NAICS code?				
Please attach a Google map and street view of the location.				
Please list the amount of real and personal property taxes paid for the last five years when applicable.	Real Property Taxes:	Personal Property Taxes:		
	Year One			
	Year Two			
	Year Three			
	Year Four			
	Year Five			

Staff Use Only
Please fill out the Public Benefit Summary Information and add to the total from above.

		(Y or N)	Points	Points
Public Benefit Item:				
Project Related:				
5	A. Redevelop a Site that has Special Needs			49
	B. Develop Based on Local University Research			35
	C. Achieve a Physical Element of a Plan			36
	Sub-total Project Related:		0	120
	Super Size Projects (point values are cumulative):			
6	A. 100% to 199%			25
	B. 200% to 299%			68
	C. 300% to 399%			65
	D. 400% and Over			52
	Sub-total Super Size Projects:		0	210
7	Pay for Municipal Infrastructure:			
	A. Pay for Oversizing or Upgrading			14
	B. Pay for 26-50% of Extension Cost			26
	C. Pay for 51-75% of Extension Cost			39
	D. Pay for 76-100% of Extension Cost			52
Sub-total Infrastructure Related:		0	131	
Total from Applicant Section:			377	539
Total from Staff Section:			0	461
Total Public Benefit Points:			377	1000

Supplement to Petition for Incentives
Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

*City Clerk's Office
Attn: Deputy City Clerk
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601*

*Or online via paypal at:
[http://southbendin.gov/government/
content/tax-abatement](http://southbendin.gov/government/content/tax-abatement)*

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Is your project in a Tax Incremental Financing (TIF) area? (Page one, under project overview)

*A map of the TIF areas can be found at:
http://southbendin.gov/sites/default/files/files/dci/CI_Development_areas_map0315.pdf*

4) Has any 504 funding been received? (Page one, under investment details)

504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.

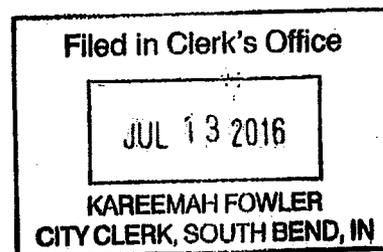
5) Total training expenditure – not cumulative (Page two, under full time Indiana resident positions)

The amount of money to be spent per year on training over the course of the project.

6) Total number to be trained – not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov





**STATEMENT OF BENEFITS
PERSONAL PROPERTY**
State Form 51764 (R4 / 11-15)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
JUL 13 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

FORM SB-1 / PP

PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION									
Name of taxpayer AM General LLC			Name of contact person Eric Swift, Manager, Logistics Support						
Address of taxpayer (number and street, city, state, and ZIP code) 105 N Niles Ave, South Bend IN 46617				Telephone number (574)252-0707					
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT									
Name of designating body Blackthorn - GLC@ Portage Prairie				Resolution number (s) 2872-00					
Location of property 5448 Dylan Dr, South Bend IN 46628			County St. Joseph	DLGF taxing district number 009					
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Pallet Racking, Fork Trucks,				ESTIMATED					
				START DATE		COMPLETION DATE			
				Manufacturing Equipment					
				R & D Equipment					
				Logist Dist Equipment		09/2016	12/31/2016		
IT Equipment		09/2016	12/31/2016						
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT									
Current number 136	Salaries \$40.78	Number retained 123	Salaries \$36.38	Number additional	Salaries				
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT									
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT		
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	
	Current values	3,279,853	631,008					1,444,565	227,269
	Plus estimated values of proposed project	3,065,000	3,065,000						
	Less values of any property being replaced								
Net estimated values upon completion of project		3,696,000						227,269	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER									
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)						
Other benefits:									
SECTION 6 TAXPAYER CERTIFICATION									
I hereby certify that the representations in this statement are true.									
Signature of authorized representative <i>Denise Richards</i>				Date signed (month, day, year) 6/28/16					
Printed name of authorized representative Denise Richards			Title Director, Operations - SPLO						

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*

- B. The type of deduction that is allowed in the designated area is limited to:
- | | | | |
|--|------------------------------|-----------------------------|---|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
Check box if an enhanced abatement was approved for one or more of these types. |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No | |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. (One or both lines may be filled out to establish a limit, if desired.)

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:

- | | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|----------------------------------|--|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 | <input type="checkbox"/> Enhanced Abatement per IC 6-1.1-12.1-18
Number of years approved: _____
(Enter one to twenty (1-20) years; may not exceed twenty (20) years.) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 | |

I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by: (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by: (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

August 3, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: 4246 Meghan Beeler Court

Dear Council Members:

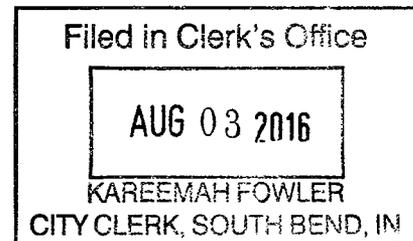
Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your August 8, 2016 Council meeting, and set it for public hearing at your September 26, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the September 20, 2016 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Keith Chapman".

Keith Chapman, Planner



CC: Kathy Cekanski-Farrand

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

- 1) The property sought to be rezoned is located at:
*4246 Meghan Beeler Ct
South Bend IN 46628*
- 2) The property Tax Key Number(s) is/are: *025-1013-020710*
- 3) Legal Descriptions: *West Cleveland Road Industrial Park Section Two Lot 7a*
- 4) Total Site Area: *5.32 Acres*
- 5) Name and address of property owner(s) of the petition site:
*Cook Land Group LLC
4734 Rockford Plaza Dr
Louisville KY 40216
(502)410-1901
scook@superiorvan.com*

Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:

*Name
Address
City, State Zip Code
Phone number with Area Code
E-Mail Address*

Name and address of additional property owners, if applicable:

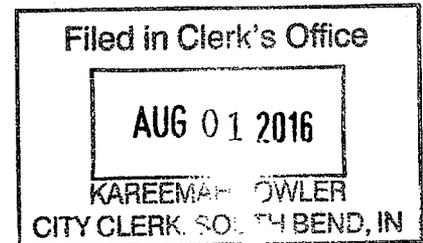
- 7) It is desired and requested that this property be rezoned:

From: *LI Light Industrial District* Additional zoning district, if applicable
To: *GB General Business District*

- 8) This rezoning is requested to allow the following use(s): *to allow for Superior Van & Mobility, an industry leader providing state-of-the-art mobility solutions for the consumer and commercial transportation industry, to renew its auto dealer license.*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *Insert text*
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *Insert text*



(c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Insert text*

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *Insert text*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *Insert text*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Insert text*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *Insert text*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *Insert text*

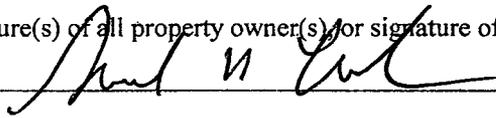
* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

*Garry Potts - Professional Permits
58171 Dragonfly Ct
Osceola IN 46561
574-229-0635
gpotts@professionalpermits.com*

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s) or signature of Attorney for all property owner(s):



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 4246 MEGHAN BEELER COURT, COUNCILMANIC DISTRICT NO. 1 IN
THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property to allow for commercial truck sales.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of
South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly
known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same
hereby is amended in order that the zoning classification of the following described real
estate in the City of South Bend, St. Joseph County, State of Indiana:

West Cleveland Road Industrial Park Section Two Lot 7a

be and the same is hereby established as GB General Business District.

SECTION II. This ordinance shall be in full force and effect from and after its passage
by the Common Council, approval by the Mayor, and legal publication.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
AUG 03 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

August 3, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: 401 East Colfax Avenue

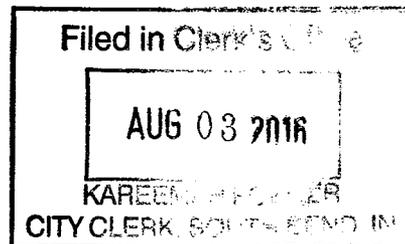
Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your August 8, 2016 Council meeting, and set it for public hearing at your September 26, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the September 20, 2016 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

Keith Chapman, Planner



CC: Kathy Cekanski-Farrand

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:

*Address(es) - 401 East Colfax Avenue
South Bend, IN 46617*

2) The property Tax Key Number(s) is/are: *018-5003-0059, 018-5003-006001, 018-5003-006101, 018-5003-0060, 018-5003-0066, 018-5003-005901*

3) Legal Descriptions: *PARCEL I: THE NORTH 65.00 FEET OF LOT NUMBERED FOURTEEN (14) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA, EXCEPTING THE EAST 26.5 FEET THEREOF.*

PARCEL II: A LOT OR PARCEL OF LAND 65.00 FEET IN LENGTH NORTH AND SOUTH TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE NORTH END OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND, EXCEPTING THEREFROM A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE EAST END THEREOF.

PARCEL III: A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE EAST SIDE OF THE NORTH 65 FEET OF LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND.

PARCEL IV: LOTS NUMBERED NINETEEN (19), TWENTY (20), TWENTY-ONE (21), TWENTY-TWO (22), TWENTYTHREE (23) AND TWENTY-FOUR (24) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND. ALSO, THE FOLLOWING VACATED ALLEY: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBERED TWENTY-TWO (22); THENCE EAST ON THE NORTH LINE OF SAID LOT NUMBERED TWENTY-TWO (22), TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH TO THE SOUTHEAST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21) TO THE SOUTHWEST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21); THENCE SOUTH 14 FEET TO THE PLACE OF BEGINNING. TOGETHER WITH THE EAST 22 FEET OF VACATED BRIDGE STREET LYING SOUTH OF THE SOUTH LINE OF LASALLE STREET AND NORTH OF THE NORTH LINE OF COLFAX AVENUE.

PARCEL V: A NON-EXCLUSIVE EASEMENT AS SET OUT IN A SPECIAL WARRANTY DEED BY AND BETWEEN INDIANA & MICHIGAN ELECTRIC COMPANY, AN INDIANA CORPORATION AND EAST BANK CENTER, AN INDIANA PARTNERSHIP RECORDED SEPTEMBER 29, 1980 AS DOCUMENT NUMBER 8015929 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

4) Total Site Area: *2.93 acres*

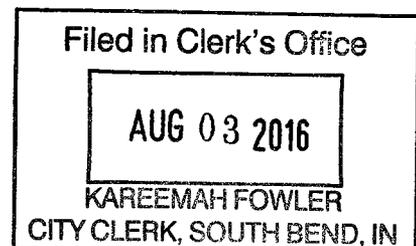
5) Name and address of property owner(s) of the petition site:

*David Matthews, Commerce Center Development LLC, and East Bank South Bend Development LLC
121 S. Niles Ave
South Bend, IN 46617
765-409-3841
David@MatthewsLLC.com*

Name and address of additional property owners, if applicable:

6) Name and address of contingent purchaser(s), if applicable:

Name



Address
City, State Zip Code
Phone number with Area Code
E-Mail Address

Name and address of additional property owners, if applicable:

7) It is desired and requested that this property be rezoned:

From: CBD Central Business District N/A

To: PUD Planned Unit Development

8) The purpose of the rezoning is as follows: *PUD*

CONTACT PERSON:

David Matthews
121 S. Niles Ave
South Bend, IN 46617
765-409-3841
David@MatthewsLLC.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 401 EAST COLFAX AVENUE, COUNCILMANIC DISTRICT NO. 4 IN
THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone to create a mixed use PUD Planned Unit Development

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of
South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly
known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same
hereby is amended in order that the zoning classification of the following described real
estate in the City of South Bend, St. Joseph County, State of Indiana:

PARCEL I: THE NORTH 65.00 FEET OF LOT NUMBERED FOURTEEN (14) AS
SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF
LOWELL AS RECORDED IN THE OFFICE OF THE RECORDER OF ST. JOSEPH
COUNTY, INDIANA, EXCEPTING THE EAST 26.5 FEET THEREOF.

PARCEL II: A LOT OR PARCEL OF LAND 65.00 FEET IN LENGTH NORTH AND
SOUTH TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE NORTH END OF
LOT NUMBERED FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE
ORIGINAL PLAT OF THE TOWN OF LOWELL, NOW A PART OF THE CITY OF
SOUTH BEND, EXCEPTING THEREFROM A STRIP OF LAND 2 FEET IN WIDTH,
EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE EAST END THEREOF.

PARCEL III: A STRIP OF LAND 2 FEET IN WIDTH, EAST AND WEST, TAKEN OFF
OF AND FROM THE EAST SIDE OF THE NORTH 65 FEET OF LOT NUMBERED
FIFTEEN (15) AS SHOWN ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF
THE TOWN OF LOWELL, NOW A PART OF THE CITY OF SOUTH BEND.

PARCEL IV: LOTS NUMBERED NINETEEN (19), TWENTY (20), TWENTY-ONE (21),
TWENTY-TWO (22), TWENTYTHREE (23) AND TWENTY-FOUR (24) AS SHOWN
ON THE RECORDED PLAT OF THE ORIGINAL PLAT OF THE TOWN OF LOWELL,
NOW A PART OF THE CITY OF SOUTH BEND. ALSO, THE FOLLOWING VACATED
ALLEY: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBERED
TWENTY-TWO
(22); THENCE EAST ON THE NORTH LINE OF SAID LOT NUMBERED TWENTY-
TWO (22), TO THE NORTHEAST CORNER OF SAID LOT; THENCE NORTH TO THE
SOUTHEAST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21) TO THE

SOUTHWEST CORNER OF SAID LOT NUMBERED TWENTY-ONE (21); THENCE SOUTH 14 FEET TO THE PLACE OF BEGINNING. TOGETHER WITH THE EAST 22 FEET OF VACATED BRIDGE STREET LYING SOUTH OF THE SOUTH LINE OF LASALLE STREET AND NORTH OF THE NORTH LINE OF COLFAX AVENUE.

PARCEL V: A NON-EXCLUSIVE EASEMENT AS SET OUT IN A SPECIAL WARRANTY DEED BY AND BETWEEN INDIANA & MICHIGAN ELECTRIC COMPANY, AN INDIANA CORPORATION AND EAST BANK CENTER, AN INDIANA PARTNERSHIP RECORDED SEPTEMBER 29, 1980 AS DOCUMENT NUMBER 8015929 IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

be and the same is hereby established as PUD Planned Unit Development.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Member of the Common Council

Attest:

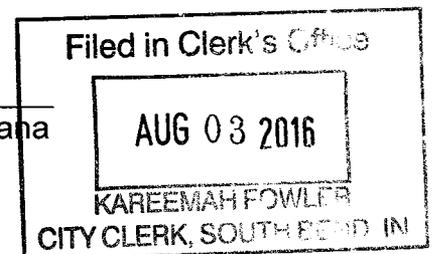
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

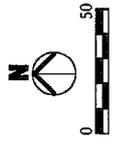


1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

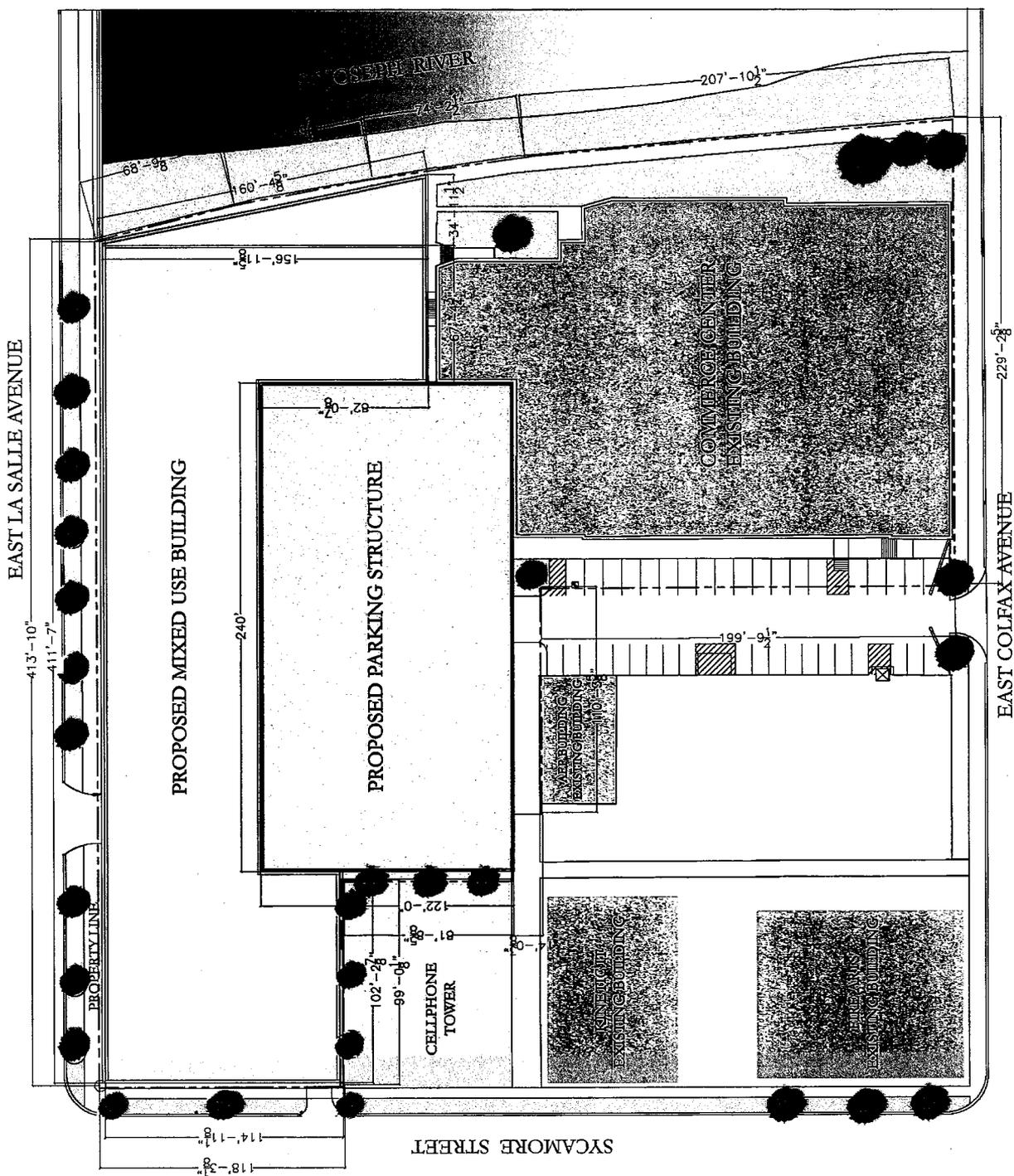
Filed in Clerk's Office
 AUG 03 2016
 KARREMAR FOWLER
 CITY CLERK, SOUTH BEND, IN

COMMERCE CENTER PUD

SITE PLAN

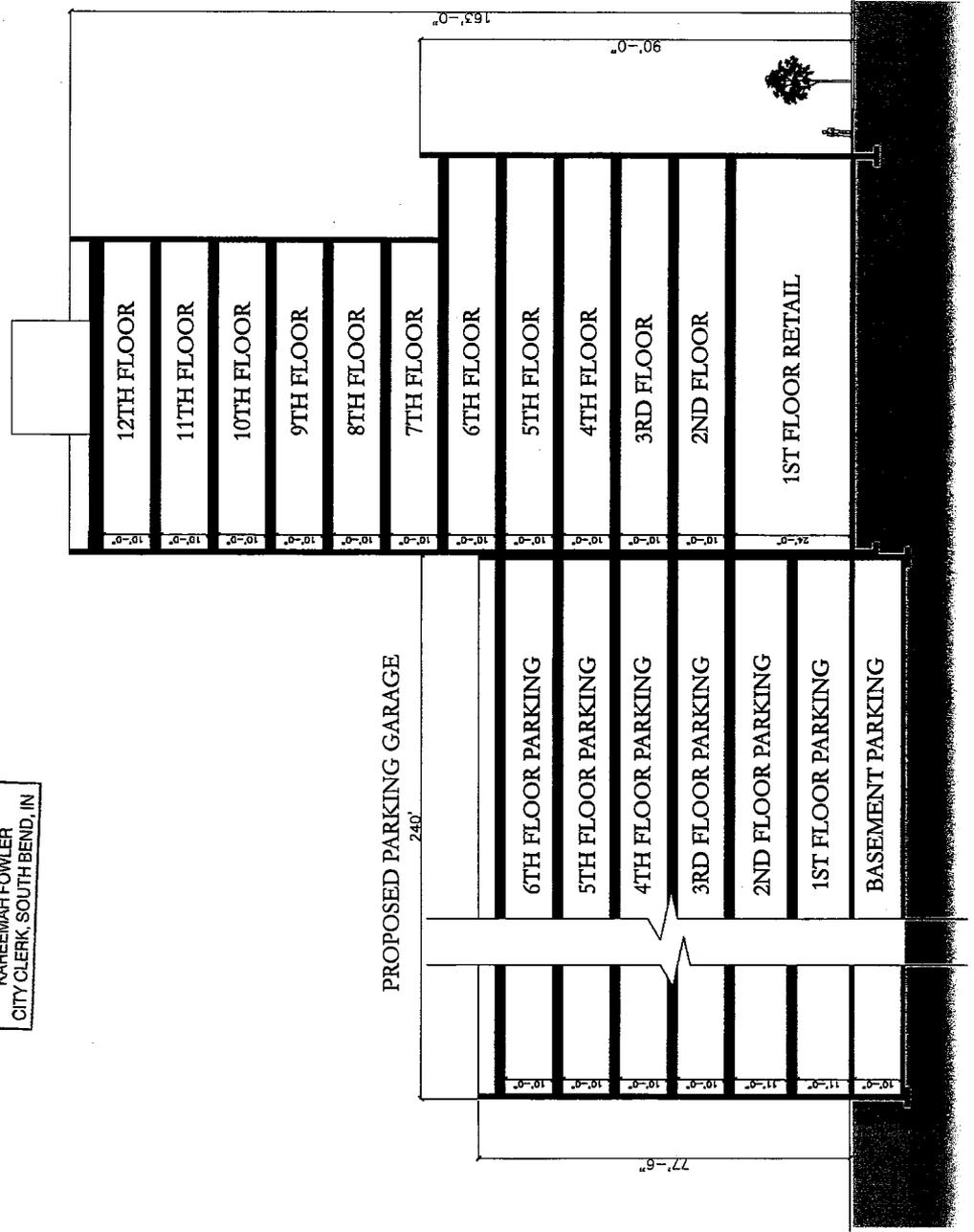


MATTHEWS, LLC
 SOUTH BEND, IN
 7/29/2016



Filed in Clerk's Office
 AUG 03 2016
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

PROPOSED MIXED USE BUILDING



COMMERCE CENTER PUD

BUILDING SECTION



MATTHEWS, LLC
 SOUTH BEND, IN

7/29/2016



Common Council

City of South Bend Indiana
Jo Broden, 4th District Council Member
4th Floor County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601
(574) 235-9173 Facsimile

(574) 235-5978

(574)235-5567 TTY/TDD

The South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

July 6, 2016

Re: Proposed zoning text amendments for Multi-Family, MF 1, MF 2 and Mixed Use Districts

Dear Council Members:

On May 7, 2014, the new zoning ordinance took effect which reflected months of review by representatives of the City under the overall direction of the Area Plan staff. Amongst individuals and residential developers, there is a renewed interest not only in converting older, often larger homes back to single-family, but also building new construction within areas of our City currently restricted by zoning for more intensive uses. The proposed changes in this ordinance, broadens the areas within our City where those interested in reversions or new builds would undertake a less onerous process for building approval within Multi-Family 1 and Multi-Family 2 districts, and adds the potential for single family dwellings within Mixed Use Districts as a special exempted use.

The proposed ordinance expansions on permitted and special exempted uses as it pertains to single family dwellings have been collaboratively drafted and reviewed with members of the Area Plan Commission, as well as, the City of South Bend Department of Community Investment's planning staff and attorneys in the Department of Law.

I respectfully request the Common Council schedule this proposed ordinance for first reading at the scheduled July 11 meeting so that the Bill can be sent to the Area Plan Commission and to the Council's Zoning and Annexation Committee, with 2nd reading, public hearing and 3rd reading at the August 22nd Common Council meeting. Thank you

Sincerely,

A handwritten signature in black ink, appearing to read "Jo M. Broden".

Jo M. Broden

South Bend Common Council Member 4th District

Filed in Clerk's Office

JUL 06 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



Common Council

City of South Bend Indiana
Jo Broden, 4th District Council Member
4th Floor County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601
(574) 235-9173 Facsimile

(574) 235-5978

(574)235-5567 TTY/TDD

July 11, 2016

Mr. Larry Magliozzi
Executive Director
Area Plan Commission of St. Joseph County, Indiana
1140 County-City Building
2278 W. Jefferson Boulevard
South Bend, Indiana 46601

Re: **Bill No. 37-16 and Bill No. 38-16**

Dear Mr. Magliozzi:

Pursuant to Section 21-09.01 of the *South Bend Municipal Code*, I have filed the proposed text amendments set forth in Bill No. 37-16 and Bill No. 38-16, which would amend various sections of Chapter 21 addressing "Zoning".

This is to confirm, consistent with that *City Code* provision and *Indiana Code* § 36-7-4-607, that the initiation of both Bills was discussed at an Informal Meeting of the South Bend Common Council today, and that for procedural purposes the Common Council is initiating the amendments.

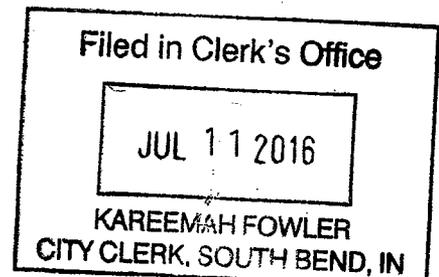
Based on discussions and input from your staff, it is my understanding that both proposed ordinances will have a public hearing before the Area Plan Commission on August 16th, and that the South Bend Common Council will hold their public hearing on August 22nd.

Thank you for your consideration.

Most sincerely,

Jo M. Broden
South Bend Common Council Member 4th District

cc: The Office of the City Clerk



ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 2 BY ADDING SINGLE FAMILY DWELLING TO PERMITTED USES IN MF1 URBAN CORRIDOR MULTIFAMILY DISTRICT AND MF2 HIGH-DENSITY MULTIFAMILY DISTRICT; AND ADDING SINGLE FAMILY AS A SPECIAL EXCEPTION USE IN MU MIXED USE DISTRICT.

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Since the adoption of the ordinance, the housing market has continued to change and evolve. The proposed changes recognize revived interest in converting older homes back to single-family residential. Various district within the City of South Bend need to be updated in order to accommodate a wider variety of housing types in order to better serve the public.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Residential Districts, Section 21-02.03 MF1 Urban Corridor Multifamily District, subsection (a) (1) Primary Uses, is hereby amended by adding a new subsection (K) as follows:

(K) One (1) *Single Family Dwelling*

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Residential Districts, Section 21-02.03 MF1 Urban Corridor Multifamily District, subsection (a) (2) *Special Exception Uses*, is hereby amended by deleting a portion of subsection (F) as follows:

(F) Residential: Including by not limited to: *Group Home; Group Residences; Single Family Dwelling.*

SECTION III. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Residential Districts, Section 21-02.04 MF2 High-Density Multifamily District, subsection (a) (1) Primary Uses, is hereby amended by adding a new subsection (J) as follows:

(J) One (1) *Single Family Dwelling*

SECTION IV. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 2 Residential Districts, Section 21-02.04 MF2 High-Density Multifamily District, subsection (a) (2) *Special Exception Uses*, is hereby amended by deleting a portion of subsection (F) as follows:

(F) Residential: Including by not limited to: *Group Home; Group Residences; Single Family* and *Two Family Dwellings* (located on an individual *Lot* and not as part of a larger *multifamily* project – see Section 21-02.04, (b) (16) for applicable development

standards).

SECTION V. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3
Commercial/Mixed Use Districts, Section 21-03.02 MU Mixed Use District, subsection (a) (2)
Special Exception Uses, is hereby amended as follows:

(F) Residential: Including but not limited to: *Group Residences*, One (1) Single Family Dwelling

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the
_____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at
_____ o'clock _____. m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
AUG 03 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



Common Council

City of South Bend Indiana
Jo Broden, 4th District Council Member
4th Floor County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601
(574) 235-9173 Facsimile

(574) 235-5978

(574)235-5567 TTY/TDD

July 6, 2016

The South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: Proposed Zoning Text Changes to Chapter 21 of the *South Bend Municipal Code*

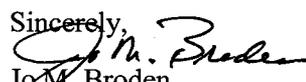
Dear Council Members:

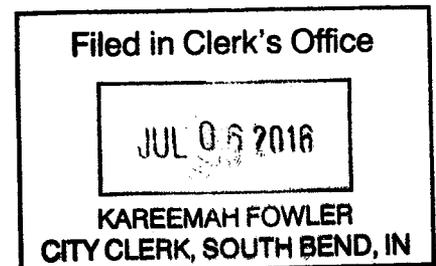
The Common Council of the City of South Bend, Indiana, passed a new zoning ordinance that went into effect on May 7, 2004. Since the passage of that ordinance over 12 years ago, the housing market has continued to change and evolve.

The proposed changes in the attached ordinance, broaden our zoning code definition of group residence to encompass more housing options of interest to persons desiring to live in varied, evolving configurations of shared residential community than previously defined. It also proposes to expand the areas within our City where such group residences may locate as special exempted uses. Specifically, the Central Business District East and the Central Business District West would be additional areas within South Bend to accommodate innovative and market-responsive group housing models to develop.

This proposed ordinance, in conjunction with the above definition and use expansions, also seeks to clarify the definition of family. While Common Council initiated, these proposed ordinance changes have been collaboratively drafted and reviewed with staff members of the Area Plan Commission, as well as, the City of South Bend Department of Community Investment's planning staff and attorneys from the Department of Law. All of the proposed changes are aimed at keeping South Bend competitive and welcoming with respect to changing trends in housing.

I respectfully request the Common Council schedule this proposed ordinance for first reading at the July 11th Council meeting so that the Bill can be sent to the Area Plan Commission for their meeting of August 16th, and to the Council's Zoning and Annexation Committee, with 2nd reading, public hearing and 3rd reading at the August 22nd Common Council meeting. Thank you for your consideration.

Sincerely,

Jo M. Broden
South Bend Common Council Member 4th District





Common Council

City of South Bend Indiana
Jo Broden, 4th District Council Member
4th Floor County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601
(574) 235-9173 Facsimile

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July 11, 2016

Mr. Larry Magliozzi
Executive Director
Area Plan Commission of St. Joseph County, Indiana
1140 County-City Building
2278 W. Jefferson Boulevard
South Bend, Indiana 46601

Re: Bill No. 37-16 and Bill No. 38-16

Dear Mr. Magliozzi:

Pursuant to Section 21-09.01 of the *South Bend Municipal Code*, I have filed the proposed text amendments set forth in Bill No. 37-16 and Bill No. 38-16, which would amend various sections of Chapter 21 addressing "Zoning".

This is to confirm, consistent with that *City Code* provision and *Indiana Code* § 36-7-4-607, that the initiation of both Bills was discussed at an Informal Meeting of the South Bend Common Council today, and that for procedural purposes the Common Council is initiating the amendments.

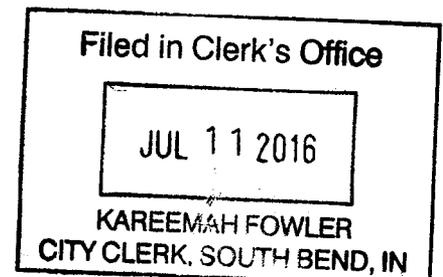
Based on discussions and input from your staff, it is my understanding that both proposed ordinances will have a public hearing before the Area Plan Commission on August 16th, and that the South Bend Common Council will hold their public hearing on August 22nd.

Thank you for your consideration.

Most sincerely,

Jo M. Broden
South Bend Common Council Member 4th District

cc: The Office of the City Clerk



ORDINANCE NO. _____

AN ORDINANCE INITIATED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 BY ADDING GROUP RESIDENCE TO SPECIAL EXCEPTION USES IN CBD CENTRAL BUSINESS DISTRICT; AND SECTION 11 BY AMENDING THE DEFINITIONS OF DWELLING UNIT, FAMILY AND GROUP RESIDENCE.

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Since the adoption of the ordinance, the housing market has continued to change and evolve. The proposed changes recognize the growing popularity of non-traditional housing arrangements. Providing an opportunity for Group Residence within the densely populated Central Business District will allow for the changing trend in housing to be accommodated where the services and infrastructure are already in place.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial/Mixed Use Districts, Section 21-03.06 CBD Central Business District, subsection (a) (2) *Special Exception Uses*, is hereby amended as follows:

(H) Residential (in CBD Districts located west of the St. Joseph River): *Multifamily Dwellings; Group Residence*

(I) Residential (in CBD Districts located east of the St. Joseph River): *Group Residence*

(⊕) (J)

SECTION II. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 11 Definitions, Section 21-11.02 Definitions, is hereby amended as follows:

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) ~~family and its household employees~~, including provisions for sleeping, *lawful cooking*, and sanitary facilities. The term shall include *mobile dwellings, modular dwellings and manufactured dwellings* but shall not include *recreational vehicles*.

Family: One (1) or more persons related by blood, legal adoption or marriage, living and cooking together as a single housekeeping unit, ~~exclusive of household servants; or, a number of persons;~~ or, a number of persons, but not exceeding two (2) who are not related by blood, legal adoption or marriage, living and cooking together as a single housekeeping unit, shall be deemed to constitute a family. A person or persons residing with a family as hereinabove defined by reasons of placement by

a publicly licensed placement agency shall be considered as members of that family.

Group Residences: A residential facility ~~which in addition to providing any combination of food, and shelter, may also provide some combination of~~ personal care, social services, counseling services or transportation to residents; or a residential facility providing common living areas such as a kitchen, living room, dining room or recreational rooms. Group residences would include halfway houses, work release houses or any other similar form of residential facility for individuals which do not qualify as a family or any other form of residential facility expressly provided for in this ordinance.

SECTION III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

Filed in Clerk's Office
AUG 03 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED